

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

LUIS MONJE,)	
)	
Petitioner,)	4:09CV3005
)	
v.)	
)	
ROBERT HOUSTON,)	MEMORANDUM AND ORDER
)	
Respondent.)	
_____)	

Petitioner has filed a petition for writ of habeas corpus under [28 U.S.C. § 2254](#) (Filing No. [1](#)), a motion for leave to proceed in forma pauperis (Filing No. [3](#)), and a copy of his prisoner trust account statement (Filing No. [5](#)).

Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. [28 U.S.C. § 1914\(a\)](#). However, pursuant to [28 U.S.C. § 1915\(a\)\(1\)-\(2\)](#), and after considering petitioner's financial status as shown in the records of this Court, provisional leave to proceed in forma pauperis will be granted, but petitioner must nevertheless pay the \$5.00 fee within 60 days. The Court cautions petitioner that failure to adequately comply with this order may result in dismissal of his petition without further notice.

IT IS ORDERED:

1. The application to proceed in forma pauperis (Filing No. [2](#)) is provisionally granted, but petitioner must pay the \$5.00 filing fee by April 13, 2009.

2. The clerk of the court is directed to set a pro se case management deadline in this case with the following text:
April 13, 2009: deadline for payment of \$5.00 filing fee.

DATED this 11th day of February, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court